

REMARKS**Specification & Sequence Listing**

Applicants gratefully acknowledge the Examiner's indication that the new Title and Abstract, Amended Drawing, Substitute CRF and Sequence Listing are acceptable.

Claims Amendments

Claims 27-35, 38, 39, 42-46 and 51-56 were pending in the application. Claims 34, 35, 38, 51 and 52 have been amended. Claims 27-30, 32-33, 42-46 and 53-56 have been canceled. New claims 57-59 have been added. Accordingly, upon entry of the amendments presented herein, claims 31, 34-35, 38-39 and 51-52 and 57-59 will be pending in the application.

Claims 38, 51 and 52 have been amended to depend from allowed claim 31.

Claims 34 and 35 have been amended to independent form, as suggested by the Examiner.

New claims 57-59 are drawn to molecular conjugates which include monoclonal antibodies that bind to the human macrophage mannose receptor and comprise a heavy and/or light chain variable region comprising the amino acid sequence set forth in SEQ ID NO:2 and/or SEQ ID NO:4. Support for new claims 57-59 can be found throughout the application as filed, for example, in Figure 13.

No new matter has been added. Any amendment and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was performed solely in the interest of expediting prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Allowable Claims

Applicants acknowledge with appreciation the Examiner's indication that claim 31 is allowable. Further, in accordance with the Examiner's indication that "claims 34 and 35 would be allowable if recited in independent form," Applicants have amended these claims to independent form. As such, claims 34 and 35 are also in condition for allowance.

Priority

The Examiner maintains that the present application is not entitled to claim priority to U.S. Application No. 09/851614 and asserts that the priority date of the instant application is its filing date (November 11, 2001) for the reasons discussed below. While Applicants respectfully disagree for the reasons also discussed below, it is noted that the issue of entitlement to Applicants' earlier priority date of May 8, 2001 versus the filing date of the instant application, November 11, 2001, has now been mooted by Applicants' claim cancellations and amendments.

Specifically, the Examiner asserts that while the "conjugate of the '614 application, as recited in claims 1 and 5 is 'specific' for DCs; the conjugate of the instant claims does not include this limitation." The Examiner also asserts that the conjugate of the '614 application comprises additional functions limitations (*i.e.*, binding affinity, ability to opsonize a DC, ability to internalize, ability to activate DCs) that are not recited in the pending claims.

Applicants respectfully traverse the Examiner's denial of Applicants' priority claim to U.S. Application No. 09/851614 for the reasons previously made of record. Specifically, with respect to the Examiner's assertion that the pending claims do not require that the claimed antibodies "specifically" bind to dendritic cells, as required by claims 1 and 5 of the '614 application, Applicants respectfully note that the claims of the parent '614 application are not the only basis for determining whether the presently pending claims are entitled to priority to the '614 application. Instead, the teachings of the entire '614 specification should be considered. In this regard, the priority application, 09/851614 teaches that "[t]he phrases 'an antibody recognizing an antigen' and 'an antibody specific for an antigen' are used interchangeably herein with the term 'an antibody which binds specifically to an antigen' (emphasis added)" (see, *e.g.*, page 13, line 37 through page 14, line 2). Moreover, antibodies which "bind" to dendritic cells, without reference to "specific" binding, are described throughout the parent '614 application (for example, at page 2, lines 20-24, and page 9, lines 29-31). Accordingly, the presently claimed human antibodies which "bind" to dendritic cells are clearly supported in the prior '614 application and Applicants are entitled to their priority claim.

With respect to the Examiner's assertion that the currently pending claims do not recite that the human antibodies have the particular functional characteristics recited in claim 1 of the parent '614 application, Applicants respectfully reiterate that the entire specification, not just the claims of the priority application, provides the basis for determining priority. Support for the presently claimed antibodies which are defined by their ability to bind dendritic cells and/or by sequence are taught throughout the parent '614 application, for example, at page 2, lines 8-18, page 62 and line 20 through page 63, line 10. As stated in the parent '614 application, for example, at page 3, lines 1-20 and page 22, line 20 through page 23, line 14, various embodiments of the invention include human antibodies which bind dendritic cells and which may/or may not have various functional properties, such as the properties recited above, as well as other properties taught in the '614 application.

Specifically, support for molecular conjugates comprising anti-dendritic cell antibodies having the claimed heavy and light chain variable region sequences (claims 31 and 34) can be found, *e.g.*, in Figure 9 of the parent '614 specification. The currently claimed molecular conjugate encoded by SEQ ID NO:8 (claim 35) is also described in the parent '614 specification, for example, in Figure 13. Support for the currently claimed compositions comprising the molecular conjugates of the present invention (claims 38 and 39) can be found throughout the parent '614 specification, *e.g.*, at page 6, lines 28-31. Support for the currently claimed molecular conjugates which bind to the human mannose receptor (claim 51) can also be found in the parent '614 specification, for example, at page 64, lines 18-20. The claimed molecular conjugates which are produced as a recombinant fusion protein or chemical conjugate (claim 52) are described in the parent '614 specification, *e.g.*, at page 4, lines 26-32. Accordingly, the presently claimed human antibodies are clearly supported by the parent '614 application and Applicants are entitled to their priority claim.

Rejection of Claims 27-30, 32, 33, 38, 39, 51 and 52 Under 35 U.S.C. §103(a)

Claims 27-30, 32, 33, 38, 39, 51 and 52 are rejected as being unpatentable over U.S. Patent No. 5,922,845 in view of Tuting *et al.* (1998) and Sallusto *et al.* (1995).

Applicants respectfully traverse this rejection for the reasons previously made of record. However, in the interest of expediting prosecution and allowance of the pending claims, and in no way acquiescing to the validity of the Examiner's rejection, claims 27-30

and 32-33 have been canceled, thereby rendering this rejection moot with respect to these claims. Additionally, claims 38, 39, 51 and 52 have been amended to depend from claim 31, which is not subject to this rejection, thereby rendering this rejection moot with respect to these claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims 27-30, 32, 33, 38, 39, 51 and 52 Under 35 U.S.C. §103(a)

Claims 27-30, 32, 33, 38, 39, 51 and 52 are rejected as being unpatentable over U.S. Patent Application Publication No. 2002/0187131 in view of U.S. Patent No. 5,922,845 and Tuting *et al.* (1998).

Applicants respectfully traverse this rejection for the reasons previously made of record. However, in the interest of expediting prosecution and allowance of the pending claims, and in no way acquiescing to the validity of the Examiner's rejection, claims 27-30 and 32-33 have been canceled, thereby rendering this rejection moot with respect to these claims. Additionally, claims 38, 39, 51 and 52 have been amended to depend from claim 31, which is not subject to this rejection, thereby rendering this rejection moot with respect to these claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claim 31 Under 35 U.S.C. § 112, First Paragraph – New Matter

Claim 32 is rejected under 35 U.S.C. § 112, first paragraph, as containing new matter. Specifically, the Examiner asserts that the specification and claims as originally filed lack support for a molecular conjugate comprising SEQ ID NOs:2 and 4 and a generic melanoma antigen.

Applicants respectfully traverse this rejection. However, to expedite prosecution, Applicants have canceled claim 32, thereby rendering this rejection moot.

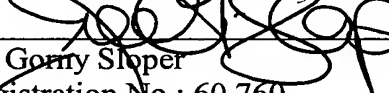
CONCLUSION

In view of the foregoing amendments and arguments, reconsideration and withdrawal of all the rejections and allowance of this application with all pending claims are respectfully requested. If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call (617) 227-7400.

Applicants believe no additional fee is due with this response. However, if an additional fee is due, please charge our Deposit Account No. 12-0080, under Order No. CDJ-166CPRCE2 from which the undersigned is authorized to draw.

Dated: October 24, 2007

Respectfully submitted,

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